

Appl. No. 09/716,740  
Atty. Docket No. 5922R2C3  
Andr. dated January 5, 2006  
Reply to Office Action of October 3, 2005  
Customer No. 27752

#### REMARKS

##### Claim Status

Claims 1-5, 17, 18, 38-50, 52, 54, 55, 75, 80, 81, 86-102 are pending in the present application. No additional claims fee is believed to be due.

##### Rejection Under 35 USC §103(a) Over Wilbur (US 2,338,749 in view of Sanders (US 5,344,693))

Claims 1-11, 13-15, 17, 18, 38-48, 50-52, 54, 55, 75, 80, 81, 86-91 and 93-101 have been rejected under 35 USC §103(a) as being unpatentable over Wilbur (US 2,338,749 in view of Sanders (US 5,344,693)). This rejection is traversed because the combination of references is only motivated by the invention as set forth in the instant application and also because the combined references still fail to teach or suggest each of the limitations of the invention as claimed therefore failing to support a *prima facie* case of obviousness under 35 USC §103(a). Specifically, the references are combined to provide a non-porous wrapper yet the only incentive to provide a non-porous wrapper comes from the invention not from the references. Wilbur does not teach or suggest that the wrapper disclosed suffers be being porous. The porosity of the disclosed wrapper is presented as a significant element of the teaching. There is no motivation within Wilbur to eliminate or replace the porous element of the invention.

Additionally, the references fail to teach or suggest a wrap material being sufficiently flexible to readily conform to a desired surface. the Wilbur reference speaks of a flexible paper web or the equivalent. Paper is not sufficiently flexible to conform readily to a desired surface unless the contours of the surface fall within a very limited range. Paper will not as an example conform readily to the rim of a bowl or the surface of an orange. The Sanders fails to cure this deficiency speaking only in terms of a flexible web but without any indication as to the degree of flexibility and no mention of a degree of flexibility as claimed.

Claims 12, 49, 92 and 102 are rejected under 35 USC §103(a) as being unpatentable over Wilbur in view of Sanders, Kovac (US 3,819,467) and the admitted prior art. Applicants traverse this rejection. AS set forth above the combination of Wilbur and Sanders is improper and insufficient. The addition of Kovac fails to cure either the impropriety or insufficiency of the combination and the new combination is also improper being motivated by the invention as claimed and insufficient in failing to set forth all of

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the elements of the invention as claimed. The easily creasable and crease retaining structure is contradictory to a wrap material that is sufficiently flexible to readily conform to a target surface. An aluminum screen as taught by Kovac is not a readily conformable structure. The new combination fails to teach or suggest each of the limitations of the invention as claimed and therefore the combination fails to support a *prima facie* case of obviousness under 35 USC §103(a).


#### Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 USC §103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-5, 17, 18, 38-50, 52, 54, 55, 75, 80, 81, 86-102 is respectfully requested.

Respectfully submitted,

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